

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 22

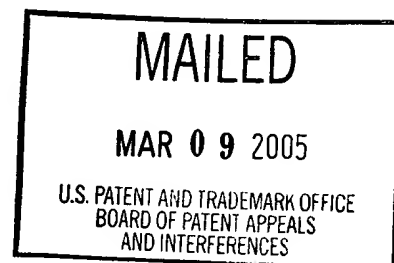
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAY PAUL DRUMMOND, DALE BLACKSON,
BOB A. CICHON, JOSEPH C. ESS, MARK A. MOALES,
DAVID W. WEIS, MARK D. SMITH,
and JAMES CHURCH

Appeal No. 2004-1824
Application No. 09/193,791

ON BRIEF



Before OWENS, MACDONALD, and NAPPI, *Administrative Patent Judges*.
OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from a nonfinal rejection of claims 1-20,
which are all of the claims in the application.¹

THE INVENTION

The appellants claim an apparatus comprising an automated
transaction machine, and a method for operating the apparatus.

¹ In an appeal in which claims have been at least twice
rejected, the board has jurisdiction as discussed in *Ex parte*
Lemoine, 46 USPQ2d 1432 (Bd. Pat. App. & Int. 1995).

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Claim 1, which claims the apparatus, is illustrative:

1. Apparatus comprising:
 - an automated transaction machine including:
 - an output device;
 - a currency sheet dispenser;
 - a computer in operative connection with the output device and the currency sheet dispenser; and
 - software executable in the computer, wherein the software includes a browser, and wherein during operation of the currency sheet dispenser the software is operative to provide an output through the output device responsive to a document accessed by the browser.

THE REFERENCES

Dialog® File 630: Times Staff and Wire Reports, "Trade-It-Yourself Bank Machines Make a Debut - Securities: Citibank is first to offer full-scale brokerage services at ATM machines. Option comes to California next month", Los Angeles Times Home Edition, Business Section, page 1, pt. D, col. 5, October 6, 1994 (LA Times).

Mark Leon, "TP-monitor vendors spin Web features - NCR, IBM, BEA Systems enhance products to facilitate transactions over Web", Infoworld, July 1, 1996 (Infoworld).

THE REJECTION

Claims 1-20 stand rejected under 35 U.S.C. § 103 as being unpatentable over LA Times in view of Infoworld.

OPINION

We reverse the aforementioned rejection. We need to address only the independent claims, i.e., claims 1, 2, 4, 7 and 13.

The applied prior art

LA Times discloses that Citibank offers an automatic teller machine (ATM) that lets users buy and sell stocks, get market values for securities, and trade shares of the bank's money market funds. The ATMs have separate menus for banking and brokerage services, and a screen offers a choice between information or trading. If trading is chosen, the next screen is a full page of disclosure about stock market risks. "Those who just want to check stock prices will pull up a picture of a typewriter keyboard. By touching the screen, they can type in the name of the company or its ticker symbol and get a real-time stock quote or the previous day's mutual fund closing price."

Infoworld discloses that NCR Corp. "is out to turn the Internet into a giant virtual cash register with enhancements to its Top End middleware that will let users deploy point-of-sale applications over the World Wide Web." NCR "delivered a Java client to the Top End transaction processing (TP) monitor, a Web specific version of Top End designed to take advantage of the Internet and bypass weaknesses in standard Internet protocols",

and "has rewritten the Top End client code, which runs on PCs and sits inside automated teller machines and cash registers, as a set of Java class libraries." "Rather than establishing a client-to-server connection using Common Gateway Interface (CGI), the Java client downloads into the Web browser and establishes a direct link to the Top End back-end application." Thus, "[i]nstead of going through the Web server and CGI on the back end, [NCR] lets Java set up a private TCP/IP connection."

Claim 1

Claim 1 requires an automatic transaction machine including an output device, a currency sheet dispenser, and software which includes a browser and which, during operation of the currency sheet dispenser, is operative to provide an output through the output device responsive to a document accessed by the browser.

The examiner argues that the Infoworld "browser interface is the interface through which all the ATM banking functions of the NCR ATM machine are performed, such as account access, funds transfer, the dispensing of currency and receipts responsive to the interaction of the user with the web browser interface" (rejection mailed July 15, 2003, paper no. 15, page 4). The disclosures in Infoworld that 1) the client code sits inside the ATM as a set of Java class libraries and runs on PCs, 2) the Java

client downloads into the Web browser and establishes a direct link to the Top End back-end application, 3) NCR lets Java set up a private TCP/IP connection, 4) NCR's enhancements will let users deploy point-of-sale applications over the World Wide Web, and 5) "[t]he whole idea is to make one or 10,000 machines look as if they are local to your computing resource", indicate that the web browser is in the user's computer, not in the ATM. That is, these disclosures indicate that the client code which runs on PCs is downloaded into the user's web browser to establish a direct link to the Top End back-end application, thereby setting up a private TCP/IP connection that makes the user's computer look as if it is local to the ATM system. The examiner has not explained how Infoworld supports the alternative interpretation argued by the examiner.

Moreover, the examiner has not established that LA Times and Infoworld would have fairly suggested, to one of ordinary skill in the art, a system capable of providing, during operation of a currency sheet dispenser, an output through an output device responsive to a document accessed by the browser. The examiner states that "[t]he examiner takes official notice of the fact that it is notoriously well known in the art of sheet feeders that the documents processed by the controlling web browser

interface of a particular sheet feeding machine contain instructions for controlling the output devices of the machine, such as dispense instructions for feeding sheets through the output devices of the machine, such an arrangement providing an effective and reliable control system for the output devices of the machine" (rejection mailed July 15, 2003, paper no. 15, pages 4-5). An examiner "may take notice of facts beyond the record which, while not generally notorious, are capable of such instant and unquestionable demonstration as to defy dispute." *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). The facts of which the examiner has taken official notice, however, do not reasonably appear to be capable of such instant and unquestionable demonstration as to defy dispute. "Assertions of technical facts in areas of esoteric technology must always be supported by citation to some reference work recognized as standard in the pertinent art and the appellant given, in the Patent Office, the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference [citations omitted]. Allegations concerning specific 'knowledge' of the prior art, which might be peculiar to a particular art should also be supported and the appellant similarly given the opportunity to make a challenge." *Ahlert*, 424 F.2d at 1091, 165

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USPQ at 420-21. Because the examiner has not provided such support for the examiner's argument, that argument is not well taken.

We therefore conclude that the examiner has not carried the burden of establishing a *prima facie* case of obviousness of the apparatus claimed in the appellants' claim 1. Accordingly, we reverse the rejection of that claim and claim 15 that depends therefrom.

Claims 2 and 4

Claims 2 and 4 include the above-discussed limitations in claim 1 which, as discussed above regarding the rejection of that claim, the examiner has not shown to have been fairly suggested to one of ordinary skill in the art by the applied prior art.

Claims 2 and 4 further require that a document accessed by the browser includes instructions for causing the computer to operate the sheet dispenser. The examiner relies upon the above-quoted official notice for that claim requirement (rejection mailed July 15, 2003, paper no. 15, pages 4-5). As discussed above regarding the rejection of claim 1, the reliance upon that official notice is not sufficient for establishing a *prima facie* case of obviousness of the claimed invention.

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For the above reasons we reverse the rejection of claim 2 and its dependent claim 3, and claim 4 and its dependent claims 5 and 6.

Claims 7 and 13

Claims 7 and 13 require accessing a document with a browser in an automated transaction machine. As discussed above regarding the rejection of claim 1, the examiner has not established that the applied references would have fairly suggested that claim requirement to one of ordinary skill in the art. Alternatively, if the recited browser is considered to be the browser in the user's computer, the examiner has not established that the user's computer having the browser reasonably can be considered to be an automated transaction machine.

Accordingly, we reverse the rejection of claim 7 and claims 8-12 and 16 that depend directly or indirectly therefrom, and claim 13 and claims 14 and 17-20 that depend directly or indirectly therefrom.

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DECISION

The rejection of claims 1-20 under 35 U.S.C. § 103 over LA Times in view of Infoworld is reversed.

REVERSED

Terry J. Owens

Terry J. Owens

Administrative Patent Judge

Allen R. MacDonald

Allen R. MacDonald

Administrative Patent Judge

BOARD OF PATENT

APPEALS AND

INTERFERENCES

~~Robert E. Nappi~~

Administrative Patent Judge

TJO/eld

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